

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JONATHAN LEE RICHES,

Petitioner,

-vs-

ARN TELLEM, et al.,

Respondents.

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Case No. 3:08-cv-235

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District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

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**REPORT AND RECOMMENDATIONS**

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This habeas corpus action, purportedly brought pursuant to 28 U.S.C. § 2241 to challenge the conditions in which Petitioner is confined by the federal Bureau of Prisons, should be dismissed without prejudice for the following reasons:

1. Petitioner has neither paid the filing fee nor applied to proceed *in forma pauperis*.
2. Petitioner purports to seek habeas corpus relief from “Arn Tellem, doing business as the Wasserman Media Group.” A habeas corpus petition will lie only against the custodian of the petitioner.
3. Petitioner’s actual custodian is in South Carolina and not within the territorial jurisdiction of this Court. A petition for habeas corpus relief must be brought in a court having territorial

jurisdiction over the custodian.

July 5, 2008.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

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